



JC10 Rec'd PCT/PTO 27 APR 2005

MAIL STOP PCT

Attorney Docket: 26581U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MARX, et al.

Serial Number: 10/524,821

Group Art Unit: Unknown

Examiner: Unknown

International Application Number: PCT/EP2003/009622

Filing Date: February 18, 2005

International Filing Date: August 29, 2003

Title: **THE USE OF THE COMBINATION OF CICLESONIDE AND ANTIHISTAMINES FOR THE TREATMENT OF ALLERGIC RHINITIS**

TRANSMITTAL LETTER

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with 34 (thirty-four) cited References;
- (4) Copies of 22 (twenty-two) cited References.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account Number 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: April 27, 2005

By:

  
Cary M. Nath  
Registration Number 26,965  
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At [REDACTED] Docket: 26581U

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: **THE USE OF THE COMBINATION OF CICLESONIDE AND ANTIHISTAMINES FOR THE TREATMENT OF ALLERGIC RHINITIS**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

[XXX] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

[ ] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or  
[ ] ii. a check in the amount required by 37 C.F.R. 1.17(p).

[ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

[ ] Certification report(e) below; and

[ ] a check in the amount as required by 1.17(p).

[ ] d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

[ ] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[ ] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office

in [REDACTED] counterpart foreign application not more than [REDACTED] months prior to the filing of this statement,

or

[ ] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[ ] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and/or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: April 27, 2005

By:

  
Gary M. Nath  
Registration Number 26,965  
Sheldon M. McGee  
Registration Number 50,454  
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FORM PTO-1449		Atty. Docket: 26581U		Serial Number: 10/524,821			
INFORMATION DISCLOSURE CITATION		Inventor: MARX, et al.		Filing Date: February 18, 2005			
				Group Art Unit: Unknown			
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	A1	5,733,901 A (corresponds to WO 94/22899 A1)	31 Mar. 1998	Gutterer			31 Mar. 1994
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	A5	4,369,184	18 Jan. 1983	Stokbroekx et al.			29 Sep. 1980
	A6	3,813,384	28 May 1974	Vogelsang et al.			17 Jan. 1972
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	A9	2004/0097474 A1	20 May 2004	Cagle et al.			12 Nov. 2003
	A10	2003/0008019 A1	09 Jan. 2003	Nishibe et al.			24 Jul. 2002
	A11	2002/0115680 A1	22 Aug. 2002	Meissner et al.			11 Oct. 2001
	A12	2002/0061281 A1	23 May 2002	Osbakken et al.			31 Aug. 2001
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		Document Number	Date	Country	Class	Sub-Class	Translation
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	A14	01/22955 A2 + A3	05 Apr. 2001	WO			Abstract
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	A29	97/46243 A1	11 Dec. 1997	WO			N/A
	A30	97/01341 A1	16 Jan. 1997	WO			N/A
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	A31		Portmann, D., et al., "Acceptability of local treatment of allergic rhinitis with a combination of a corticoid (beclometasone) and an antihistaminic (azelastine)", Rev-Laryngol-Otol-Rhinol, Vol. 121, No. 4, Pgs. 273-279, (2000).				
	A32		Mattila, M.J., et al., "Variations among non-sedating antihistamines: are there real differences?", Eur J Clin Pharmacol, Vol. 55, Pgs. 85-93, (1999).				
	A33		Schmidt, B.M.W., et al., "The New Topical Steroid Ciclesonide Is Effective in the Treatment of Allergic Rhinitis", J Clin Pharmacol, Vol. 39, Pgs. 1062-1069, (1999).				
	A34		Busse, W.W., et al., "Corticosteroid-sparing Effect of Azelastine in the Management of Bronchial Asthma", Am J Respir Crit Care Med, Vol. 153 Pgs. 122-127, (1996).				
Examiner				Date Considered			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							